

AMENDED IN ASSEMBLY MAY 14, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

AMENDED IN ASSEMBLY MARCH 8, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1511

Introduced by Assembly Member Bradford

January 12, 2012

An act to ~~amend Section 1103.4 of~~ *add Section 2079.10.5 to* the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1511, as amended, Bradford. Real property: disclosures: transmission pipelines.

Existing law requires certain natural hazard disclosures to be made upon the transfer of residential real property, as specified, and prescribes the manner and the form of the disclosures. ~~Existing law limits the liability of a transferor or listing or selling agent under certain conditions for failing to disclose natural hazards or to make other disclosures in specified property transactions if the transferor or the listing or selling agent obtains a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise. Existing law conditions this limitation in specified ways, including the requirement that, when an expert responds to a request regarding natural hazards, the expert also determine whether the property is within an airport influence area, the jurisdiction of the San Francisco Bay Conservation and Development Commission, or designated farmland~~

and, if so, existing law requires the expert to provide a specified notice or notices with his or her report.

~~This bill would further condition the limitation on liability described above by requiring the expert, when responding to a request regarding natural hazards, to also determine whether the property is located within 2,000 feet of a gas transmission or hazardous liquid pipeline, as specified, and if so, to include in the report a notice and a map depicting the pipeline, as specified.~~

This bill would require all contracts for the sale of residential real property entered into on or after July 1, 2013, to contain a specified notice pertaining to gas and hazardous liquid transmission pipelines. The bill would provide that nothing in the notice requirement would alter any existing duty under any other statute or decisional law imposed upon the seller or broker of the residential real property, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2079.10.5 is added to the Civil Code, to
2 read:

3 2079.10.5. (a) Every contract for the sale of residential real
4 property entered into on or after July 1, 2013, shall contain, in
5 not less than 8-point type, a notice as specified below:

6
7 NOTICE REGARDING GAS AND HAZARDOUS LIQUID
8 TRANSMISSION PIPELINES

9 *This notice is being provided simply to inform you that*
10 *information about the general location of gas and hazardous liquid*
11 *transmission pipelines is available to the public via the National*
12 *Pipeline Mapping System (NPMS) Internet Web site maintained*
13 *by the United States Department of Transportation at*
14 *<http://www.npms.phmsa.dot.gov/>. To seek further information*
15 *about possible transmission pipelines near the property, you may*
16 *contact your local gas utility or other pipeline operators in the*
17 *area. Contact information for pipeline operators is searchable by*
18 *ZIP Code and county on the NPMS Internet Web site.*

19
20 (b) *Upon delivery of the notice to the transferee of the real*
21 *property, the seller or broker is not required to provide information*

1 *in addition to that contained in the notice regarding gas and*
2 *hazardous liquid transmission pipelines in subdivision (a). The*
3 *information in the notice shall be deemed to be adequate to inform*
4 *the transferee about the existence of a statewide database of the*
5 *locations of gas and hazardous liquid transmission pipelines and*
6 *information from the database regarding those locations.*

7 *(c) Nothing in this section shall alter any existing duty under*
8 *any other statute or decisional law imposed upon the seller or*
9 *broker, including, but not limited to, the duties of a seller or broker*
10 *under this article, or the duties of a seller or broker under Article*
11 *1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part*
12 *4 of Division 2.*

13 ~~SECTION 1. Section 1103.4 of the Civil Code is amended to~~
14 ~~read:~~

15 ~~1103.4. (a) Neither the transferor nor any listing or selling~~
16 ~~agent shall be liable for any error, inaccuracy, or omission of any~~
17 ~~information delivered pursuant to this article if the error,~~
18 ~~inaccuracy, or omission was not within the personal knowledge~~
19 ~~of the transferor or the listing or selling agent, and was based on~~
20 ~~information timely provided by public agencies or by other persons~~
21 ~~providing information as specified in subdivision (c) that is~~
22 ~~required to be disclosed pursuant to this article, and ordinary care~~
23 ~~was exercised in obtaining and transmitting the information.~~

24 ~~(b) The delivery of any information required to be disclosed by~~
25 ~~this article to a prospective transferee by a public agency or other~~
26 ~~person providing information required to be disclosed pursuant to~~
27 ~~this article shall be deemed to comply with the requirements of~~
28 ~~this article and shall relieve the transferor or any listing or selling~~
29 ~~agent of any further duty under this article with respect to that item~~
30 ~~of information.~~

31 ~~(c) The delivery of a report or opinion prepared by a licensed~~
32 ~~engineer, land surveyor, geologist, or expert in natural hazard~~
33 ~~discovery dealing with matters within the scope of the~~
34 ~~professional's license or expertise shall be sufficient compliance~~
35 ~~for application of the exemption provided by subdivision (a) if the~~
36 ~~information is provided to the prospective transferee pursuant to~~
37 ~~a request therefor, whether written or oral. In responding to that~~
38 ~~request, an expert may indicate, in writing, an understanding that~~
39 ~~the information provided will be used in fulfilling the requirements~~
40 ~~of Section 1103.2 and, if so, shall indicate the required disclosures,~~

1 or parts thereof, to which the information being furnished is
2 applicable. Where that statement is furnished, the expert shall not
3 be responsible for any items of information, or parts thereof, other
4 than those expressly set forth in the statement.

5 (1) In responding to the request, the expert shall determine
6 whether the property is within an airport influence area as defined
7 in subdivision (b) of Section 11010 of the Business and Professions
8 Code. If the property is within an airport influence area, the report
9 shall contain the following statement:

10
11 NOTICE OF AIRPORT IN VICINITY
12

13 ———This property is presently located in the vicinity of an
14 airport, within what is known as an airport influence area. For that
15 reason, the property may be subject to some of the annoyances or
16 inconveniences associated with proximity to airport operations
17 (for example: noise, vibration, or odors). Individual sensitivities
18 to those annoyances can vary from person to person. You may wish to
19 consider what airport annoyances, if any, are associated with the
20 property before you complete your purchase and determine whether they
21 are acceptable to you.
22

23 (2) In responding to the request, the expert shall determine
24 whether the property is within the jurisdiction of the San Francisco
25 Bay Conservation and Development Commission, as defined in
26 Section 66620 of the Government Code. If the property is within
27 the commission's jurisdiction, the report shall contain the following
28 notice:
29

30 NOTICE OF SAN FRANCISCO BAY CONSERVATION AND
31 DEVELOPMENT COMMISSION JURISDICTION

32 This property is located within the jurisdiction of the San
33 Francisco Bay Conservation and Development Commission. Use
34 and development of property within the commission's jurisdiction
35 may be subject to special regulations, restrictions, and permit
36 requirements. You may wish to investigate and determine whether
37 they are acceptable to you and your intended use of the property
38 before you complete your transaction.
39

1 ~~(3) In responding to the request, the expert shall determine~~
2 ~~whether the property is presently located within one mile of a~~
3 ~~parcel of real property designated as “Prime Farmland,” “Farmland~~
4 ~~of Statewide Importance,” “Unique Farmland,” “Farmland of Local~~
5 ~~Importance,” or “Grazing Land” on the most current “Important~~
6 ~~Farmland Map” issued by the California Department of~~
7 ~~Conservation, Division of Land Resource Protection, utilizing~~
8 ~~solely the county-level GIS map data, if any, available on the~~
9 ~~Farmland Mapping and Monitoring Program Web site. If the~~
10 ~~residential property is within one mile of a designated farmland~~
11 ~~area, the report shall contain the following notice:~~
12

13 ~~NOTICE OF RIGHT TO FARM~~

14 ~~This property is located within one mile of a farm or ranch land~~
15 ~~designated on the current county-level GIS “Important Farmland~~
16 ~~Map,” issued by the California Department of Conservation,~~
17 ~~Division of Land Resource Protection. Accordingly, the property~~
18 ~~may be subject to inconveniences or discomforts resulting from~~
19 ~~agricultural operations that are a normal and necessary aspect of~~
20 ~~living in a community with a strong rural character and a healthy~~
21 ~~agricultural sector. Customary agricultural practices in farm~~
22 ~~operations may include, but are not limited to, noise, odors, dust,~~
23 ~~light, insects, the operation of pumps and machinery, the storage~~
24 ~~and disposal of manure, bee pollination, and the ground or aerial~~
25 ~~application of fertilizers, pesticides, and herbicides. These~~
26 ~~agricultural practices may occur at any time during the 24-hour~~
27 ~~day. Individual sensitivities to those practices can vary from person~~
28 ~~to person. You may wish to consider the impacts of such~~
29 ~~agricultural practices before you complete your purchase. Please~~
30 ~~be advised that you may be barred from obtaining legal remedies~~
31 ~~against agricultural practices conducted in a manner consistent~~
32 ~~with proper and accepted customs and standards pursuant to~~
33 ~~Section 3482.5 of the Civil Code or any pertinent local ordinance.~~
34

35 ~~(4) In responding to the request, the expert shall determine,~~
36 ~~utilizing map coordinate data made available by the Office of Mine~~
37 ~~Reclamation, whether the property is presently located within one~~
38 ~~mile of a mine operation for which map coordinate data has been~~
39 ~~reported to the director pursuant to Section 2207 of the Public~~
40 ~~Resources Code. If the expert determines, from the available map~~

1 coordinate data, that the residential property is located within one
2 mile of a mine operation, the report shall contain the following
3 notice:

4 —

5 NOTICE OF MINING OPERATIONS

6 This property is located within one mile of a mine operation for
7 which the mine owner or operator has reported mine location data
8 to the Department of Conservation pursuant to Section 2207 of
9 the Public Resources Code. Accordingly, the property may be
10 subject to inconveniences resulting from mining operations. You
11 may wish to consider the impacts of these practices before you
12 complete your transaction.

13
14 (5) In responding to the request, the expert shall determine
15 whether the property is located within 2,000 feet of a gas
16 transmission or hazardous liquid pipeline as depicted on the public
17 Internet Web site of the federal National Pipeline Mapping System
18 (NPMS) and, if so, the report shall show on a map the pipeline as
19 depicted by the NPMS, and shall contain the following notice:

20 —

21 NOTICE OF TRANSMISSION PIPELINE

22 This property is located within 2,000 feet of a gas transmission
23 or hazardous liquid pipeline as depicted on the public Internet Web
24 site of the federal National Pipeline Mapping System
25 (NPMS). According to the NPMS, the nominal accuracy of its
26 geospatial data is plus or minus 500 feet and not all pipelines in
27 an area are visible on the NPMS Web site.

28 NPMS data shows the general location of gas transmission and
29 hazardous liquid pipelines under the jurisdiction of the federal
30 Pipeline and Hazardous Materials Safety Administration, but does
31 not reveal the presence of gathering or distribution pipelines. Every
32 home that uses natural gas is connected to a gas distribution
33 pipeline, which is generally of smaller size and lower pressure
34 than the transmission pipelines that are identified by NPMS.

35 For these reasons, you may wish to further investigate
36 information about this transmission pipeline or other possible
37 pipelines near this property by contacting the appropriate agency
38 or local gas utility responsible for the pipeline. Contact information
39 for pipeline operators in your area is searchable by ZIP Code,
40 county, or state by clicking on the appropriate link at the NPMS

1 Web site located at <http://www.npms.phmsa.dot.gov>. You may
2 wish to consider what risk factors, if any, are associated with the
3 property's proximity to transmission pipelines, and determine
4 whether the information you receive is acceptable to you before
5 you purchase.

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